REMARKS

Status of the Claims

Claims 1-7, 9-16, 19-27, 29-46, 68, and 69 are currently pending in the present application. Claims 8, 17, 18, 28, and 47-66 have been canceled without prejudice or disclaimer of the subject matter claimed therein.

Claims 1, 2, 4, 19-21, 24, 25, 29-31, and 34 have been amended. Representative support for amendments to the claims can be found in original claims 1, 2, 4, 17, 21, and 28.

Claims 68-71 are new, and representative support can be found in original claims 1, 2, 19, 24, and 28.

These claims do not introduce prohibited new matter and do not introduce new issues requiring further search and consideration.

Declaration

The Office Action alleges that the supplemental declaration submitted on January 4, 2008, changes the name of one or more inventors without a proper petition and required fee. The Office Action also alleges that the instant application is a Continuation-ln-Part of the parent application and therefore requires another new oath or declaration because the supplemental declaration submitted on January 4, 2008, is not proper.

Applicants respectfully point out that the supplemental declaration, submitted on January 4, 2008, does not change the name of any inventors because "Alyce Linthurst" is Mrs. Alyce Linthurst Jones' maiden name. Although her name is typed out as "Alyce Linhurst" on the declaration submitted in the parent application (09/660,422, now U.S. Patent 6,743,574), she formally signed both the original declaration submitted in the parent application and the declaration submitted on January 4, 2008, as "Alyce Linthurst Jones" (see attached declarations). Accordingly, the supplemental declaration submitted on January 4, 2008, is proper.

Moreover, the supplemental declaration, submitted on January 4, 2008, is a new declaration containing all the inventors' signatures. Thus, it is respectfully requested that the objection to the declaration as being defective be withdrawn.

Rejection Under 35 U.S.C. § 112

Claims 1-7, 9-16, 19-27, 29-46 and 67 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 1, 2, 4, and 29-31 as suggested by the Examiner. Applicants respectfully request that this rejection be withdrawn, in view of the amendments.

Rejections Under 35 U.S.C. § 103(a)

- A. Claims 1-4, 12-16, 19-27, 29-46, and 67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,376,244 (Atala), in view of U.S. Patent No. 6,024,735 (Wolfinbarger '735).
- B. Claims 1-7, 9-16, 19-27, 29-46, and 67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Atala, in view of Wolfinbarger '735, and further in view of U.S. Patent No. 6,432,712 (Wolfinbarger '712).

Atala, does not teach each of the steps of the claimed method. In particular, the method of Atala does not disclose the use of a storage solution comprising a water replacement agent.

The Office Action incorrectly contends that "distilled water, physiological buffer and culture media are considered to read on water replacement agents." As described in original claim 21, a water replacement agent is an agent that "replaces water in the base matrix structure of soft tissue and provides the hydrating functions of water in the tissue."

Neither Wolfinbarger '735 nor Wolfinbarger '712 individually or together overcomes the deficiencies of Atala because Wolfinbarger '735, and Wolfinbarger '712 also do not disclose such an agent and do not teach storing a washed extracted tissue in a storage solution comprising a water replacement agent as in the claimed invention. Accordingly, Atala, Wolfinbarger '735, and Wolfinbarger '712 taken alone or together do not render the claimed invention obvious.

Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing amendments and remarks are being made to place the application in

Application 10/694,190 Attorney Docket 067949-5019-01 Page 11

condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted, Morgan, Lewis & Bockius LLP

/Sally Teng/

Sally P. Teng

Registration No. 45,397

Date: May 12, 2009 Morgan, Lewis & Bockius LLP Customer No. **09629** 1111 Pennsylvania Avenue, N.W. Washington, D.C. 20004

Tel: 202-739-3000 Fax: 202-739-5734

Docket No. LN.028

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which			
(check one)			
is attached hereto. was filed on September Application Number 09/ and was amended on		as United States Application No.	or PCT International
		(if applicable)	•
I hereby state that I have re including the claims, as ame		stand the contents of the above in ndment referred to above.	dentified specification,
I acknowledge the duty to a known to me to be material Section 1.56.	disclose to the Unit al to patentability	ted States Patent and Trademark as defined in Title 37, Code of	Office all information Federal Regulations,
Section 365(b) of any forei any PCT International app States, listed below and ha	gn application(s) f blication which de ve also identified l ate or PCT Internal	r Title 35, United States Code, for patent or inventor's certificate signated at least one country of below, by checking the box, any tional application having a filing of	, or Section 365(a) of other than the United foreign application for
Prior Foreign Application(s)			Priority Not Claimed
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TO-38-01 (9-95) (Modified)		<u> </u>	Office-U.S. DEPARTMENT OF COMMERCE

hereby claim the benefit under	35 U.S.C. Section 119(e)	of any United States provisional
(Application Serial No.)	(Filing Date)	
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(Application Serial No.)	(Filing Date)	
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Susanne M. Hopkins, Esq.

Reg. No: 33,247

Send Correspondence to: Susanne M. Hopkins, Esq.

LIFENET

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Direct Telephone Calls to: (name and telephone number)

Susanne M. Hopkins, Esq., Phone: (540) 834-0000; Fax: (540) 710-9377

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Post Office Address same as above	
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Alyce Linhurst	11/0000
Third inventor's signature	(11/20/2010)
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Fourth Inventors signature	Date
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Full name of firth inventor, if any Barry Nolf	
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Fifth Inventor's signature Residence 5036 Jakeman Street, Virginia Beach, Virginia 23465 Citizenship USA Post Office Address same as above Full name of sixth inventor, if any Sixth inventor's signature Residence Citizenship	11/20/2000
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→ JACK MATNEY

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

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		ATTORNEY DOCK	CET NO.: 067949-5019-01
As a below named inventor, 1 here	oy declare that:		
My residence, post office address a	nd citizenship are as stated below nex	t to my name,	
I believe I am the original, first and plural names are listed below) of th	I sole inventor (if only one name is lis to subject matter which is claimed and	ted below) or an original, first for which a patent is sought	and joint inventor (if on the invention entitled:
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I hereby state that I have reviewed amended by any amendment refer	and understand the contents of the ab	ove-identified specification, is	ncluding the claims, as
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Page 1 of 4

1-WA/2819510.1

Combined Declaration for Patent Application and Power of Attorney - (includes Reference to PCT International A ATTORNEY DOCKET NO: 0679 I hereby claim the benefits under Title 35, United States Code Section 119(e) of any United States provi application(s) listed below. U.S. PROVISIONAL APPLICATIONS U.S. PROVISIONAL APPLICATIONS I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application 365(c) of any PCT international application(s) designating the United States of America that 15/below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112 acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me material to the patientability of claims presented in this application in accordance with Title 37, Code of Regulations, Section 1.56 which became available between the filing date of the prior application(s) and national or PCT international filing date of this application. PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. OR PCT INTERNATIONAL APPLICATIONS STATUS (Check One) APPLICATION OF FILING DATE PATENTED PENDING ABANDOL 09/650,422 09/12/2000 APPLICATIONS OF		A						
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Morgi Bockius LLP included in the Customer Number provided below to prosecute this application and to trat business in the Patent and Trademark Office connected therewith, and direct that all correspondence be to that Customer Number. Customer Number: 09629	BENEFTI: U.S. OR PCT INTE	RNATIONAL			****	DESIGNAT	'ING	THE U.S. FOR
POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Morga Bockius LLP included in the Customer Number provided below to prosecute this application and to trate business in the Patent and Trademark Office connected therewith, and direct that all correspondence be to that Customer Number. Customer Number: 09629			PATENTED	PEND	NG		ABA	ANDONED
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Combined Declaration for Patent Application and Power of Attamey - (Continued) (includes Reference to PCT International Applications)				
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briting of inventors Continued on attached page(s): X Yes \ \ \ \) >0				

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